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August 27, 2010

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VIA FEDERAL EXPRESS & E-MAIL DKRAMER@SFWMD.GOV

Ms. Donna Kramer
Public Records Custodian
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, Florida 33406

RECEIVED

AUG 27 2010

PUBLIC RECORDS OFC.

Re: Public Records Act Request

Dear Ms. Kramer:

On behalf of the Miccosukee Tribe of Indians of Florida (the "Tribe"), we hereby request, pursuant to Chapter 119 of the Florida Statutes, that the South Florida Water Management District ("SFWMD") make available for inspection and copying any and all public records concerning the Second Amended and Restated Agreement for the Sale and Purchase of approximately 26,800 acres of land from the U.S. Sugar Corporation using \$197,396,088 million dollars as more fully outlined below. The term public records includes, but is not limited to, all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, including e-mails, faxes, and records of oral communications.

The Tribe seeks all public records in the possession of the SFWMD, which may be found in the files of the Legal Department, the Office of the Executive Director, the Governing Board offices, the Real Estate Office, the Media Relations Department, the Government Affairs Department, the Everglades Restoration Department, the Finance Department, or any other department. Individuals who may have documents in response to this request include Executive Director Carol Whele; Governing Board members Eric Buermann, Shannon Estenoz, or any other Governing Board member; and SFWMD staff Ken Ammon, Tommy Strowd, Ruth Clemmons, Jeff Kivett, Mike Smykowski, Garth Redfield, Paul Dumars, Kirk Burns, and/or any other employees or representatives with such records.

This request seeks records and correspondence between and among any of the previously named individuals, and any other SFWMD representative or consultant, regarding the matters below, and includes records between the SFWMD, or representatives of the SFWMD, with the Governor of

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Ms. Donna Kramer
August 27, 2010
Page 2

the State of Florida or his staff, the Secretary of the Department of Environmental Protection ("DEP"), and any other groups or parties regarding the matters below. The request encompasses records from the period of time beginning on or about January 1, 2010 and continues through today. The public records sought include the following:

- 1) All records concerning the Second Amended and Restated Agreement for Sale and Purchase of the U.S. Sugar lands that was before the SFWMD Governing Board on August 12, 2010. This request seeks all information and communications related to this Second Amended and Restated Agreement, including any documents concerning phone calls or meetings that were held in which the proposed land buy was discussed and documents that show the date when any discussions and negotiations concerning this proposed land buy commenced.
- 2) All records, including but limited to Board packets, Staff presentations, and meeting records between Staff and Board members, or Board members and any other person, that discuss the Second Amended and Restated Agreement and proposed land buy to be discussed at the August 12, 2010 Governing Board meeting.
- 3) All records in which any person from the SFWMD and/or the Governor's Office and/or DEP discusses the Second Amended and Restated Agreement and/or proposed land buy, or negotiations regarding the proposed land buy, to be brought before the Governing Board on August 12, 2010, including any records between or among SFWMD Executive Director, Carol Wehle, and DEP Secretary, Michael Sole, and any other person at DEP, and/or the Governor's Office.
- 4) All records in which any person from the SFWMD and/or the Governor's Office and/or DEP discusses the Second Amended and Restated Agreement and/or proposed land buy, or negotiations regarding the proposed land buy, with any other non-governmental organization, including but not limited to environmental organizations, private individuals, or representatives of companies or corporations.
- 5) All records that show plans and/or time tables, for using the land that the SFWMD proposes to buy, including but not limited to those that show the projects that will be constructed to use the land for restoration or as a remedy for violations of the Consent Decree, and any cost, real, contemplated, or anticipated, of such projects.
- 6) All records that show the nature and extent of the reallocation of District revenue from ACCELER8, CERP, or any other restoration projects that will be used for the proposed land purchase in the Second Amended and Restated Agreement.

JORDEN BURT

Ms. Donna Kramer
August 27, 2010
Page 3

- 7) All records that show the sources of the revenue that would be used to purchase the land described in the Second Amended and Restated Agreement, including but not limited to documents that show whether the money to purchase the land will be taken out of the approximately \$250 million dollars that the SFWMD stated it has set aside for phosphorus reduction programs, and documents that show the amount of monies that will be left for the SFWMD to use on other projects and services if the land is bought.
- 8) All records that show how the construction of the EAA Reservoir, Phase 1, Bolles and Cross Canal Improvements, and/or ECART will be affected by the proposed land buy.
- 9) All records that show what monies will be used to construct the WAA A-1 Reservoir ordered by the Court if the proposed land buy is approved.
- 10) Any documents that discuss how the proposed land purchase will impact the SFWMD's involvement in the Comprehensive Everglades Restoration Plan ("CERP"), including but not limited to the construction of CERP projects.
- 11) The SFWMD budget for 2010.
- 12) The SFWMD guidelines, rules and regulations for land purchases.
- 13) Any and all records concerning any cultural resources on the 26,800 acres of land that the SFWMD is proposing to buy, including but not limited to any cultural resource survey or study of the land.
- 14) Any and all documents generated by the SFWMD media department and/or "news room" concerning the Second Amended and Restated Agreement for Sale and Purchase and proposed land deal, including e-mail correspondence with any of the above individuals, or any other party, about the content or nature of the press materials, and communications between the SFWMD media relations department, and the Governor's press office and/or DEP, including but not limited to any and all documents or information upon which the media department relied to state in the August 2010 *Just the Facts* sheet that the proposed purchase was needed "to address recent federal court orders."
- 15) Any and all documents that discuss how the Second Amended and Restated Agreement for Sale and Purchase and proposed land deal will impact the Court's March 31, 2010, Order in Case No. 88-1886-CIV-MORENO, which ordered the SFWMD to construct the EAA A-1

JORDEN BURT

Ms. Donna Kramer

August 27, 2010

Page 4

Reservoir and the associated Bolles and Cross Canal Improvements.

We request that you provide us with information with regard to anticipated costs as soon as possible and prior to production or reproduction. Since the SFWMD constantly states how open the public process has been on the U.S. Sugar proposal, and since the Miccosukee Tribe is a sovereign government, we would expect the documents to be produced at no cost. We understand that there will be a copying fee. We ask that the documents we have requested be provided to us in an electronic format (or the web address be provided) to help facilitate the release of this public information, as envisioned under the Public Records Act. We also ask that any information requested that is in summary form be provided in such summary form if it so exists. If documents responsive to this request are voluminous, it is our intention to come to your offices to review the documents and select those that we would like to have copied. Please call me (305) 347-6876 if you have any questions about this request. Thank you in advance for your prompt cooperation.

Very truly yours,



Enrique D. Arana

*Counsel for the Miccosukee Tribe
of Indians of Florida*

188814

Kramer, Donna

From: Kramer, Donna
Sent: Friday, August 27, 2010 2:23 PM
To: PublicRecords
Subject: FW: Miccosukee Tribe of Indians of Florida's Public Records Request
Attachments: Tribe's Public Records Request.pdf

-----Original Message-----

From: Byers, Scott E. [mailto:SEB@jordenusa.com]
Sent: Friday, August 27, 2010 1:52 PM
To: Kramer, Donna
Cc: Montejo, Vivian F.
Subject: Miccosukee Tribe of Indians of Florida's Public Records Request

Ms. Donna Kramer,

Please find the attached Public Records Request from the Miccosukee Tribe of Indians of Florida.

Thanks,

Scott E. Byers
Jorden Burt LLP
777 Brickell Ave; Suite 500
Miami, FL 33131
(305) 347-6819

Counsel for the Miccosukee
Tribe of Indians of Florida
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